REMARKS

The specification has been reviewed, and clerical errors of the specification have been amended.

In paragraph 2 of the Action, claims 1-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Eyrainer.

However, claim 1 is not anticipated by Eyrainer, as explained below.

An airbag apparatus for protecting an occupant in a vehicle of claim 1 of the invention basically comprises an airbag having an occupant-side surface facing the occupant and a vehicle-body-side surface opposite to the occupant-side surface when the airbag is inflated, and at least an upper chamber and a lower chamber separated from each other; a gas generator disposed in the airbag for generating gas to inflate the airbag; and a communicating portion between the upper and lower chambers.

The airbag apparatus of the invention further includes a check valve disposed in the communicating portion for preventing the gas from flowing form the lower chamber to the upper chamber. Accordingly, the gas supplied to the lower chamber does not flow from the lower chamber to the upper chamber.

In Eyrainer, a protective device 10 includes a gas source 12, a thorax protecting gas bag 14, and a head protecting gas bag 16. The thorax protecting gas bag 14 is divided by a dividing seam 24 into a first chamber 26 and a second chamber 28. The gas produced by the compressed gas source 12 flows from the first chamber 26 into the second chamber 28 and from same into the head protecting gas bag 16 (column 3, lines 7-10). Namely, the gas flows from the lower chamber to the upper chamber.

In the present invention, the check valve is disposed in the communicating portion for preventing the gas from flowing from the lower chamber to the upper chamber. In Eyrainer, the gas ejected from the gas source 12 disposed in the first or lower chamber 26

flows from the first chamber 26 to the head protecting gas bag 16 through the second chamber 28. Therefore, there is not check valve in Eyrainer.

In paragraph 2 of the Action, the Examiner held that Eyrainer discloses a check valve 24. However, as explained above, numeral 24 shows the dividing seam for dividing the first chamber 26 and the second chamber 28, and the gas ejected at the first chamber 26 flows to the head protecting gas bag 16 through the side portions of the dividing seam 24. Therefore, the dividing seam does not constitute the check valve 24 of the invention.

Incidentally, according to the dictionary, the check valve means one or more membranous partitions, flaps, or folds, which permit the passage of the contents of a vessel or cavity in one direction, but stop or retard the flow in the opposite direction. The dividing seam 24 in Eyrainer does not operate, as defined in the dictionary.

Eyrainer does not have the check valve as recited in claim 1 of the invention. Claim 1 and its dependent claims are patentable over Eyrainer.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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